



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JUL 01 2011

REPLY TO THE ATTENTION OF:

Mr. Howard Giesler
Vice President
Energy Supply - Operations
Wisconsin Public Service Corporation
P.O. Box 19001
Green Bay, Wisconsin 54307

SUBJECT: Notice of Action by the U.S. Environmental Protection Agency on the Title V Operating Permit for Wisconsin Public Service Corporation JP Pulliam Plant

Dear Mr. Giesler:

By this letter I am providing notice to the Wisconsin Public Service Corporation that, pursuant to Section 505(b) and (c) of the Clean Air Act (Act), 42 U.S.C. § 7661d(b) and (c), and the regulations promulgated thereunder at 40 C.F.R. Parts 70 and 71, the U.S. Environmental Protection Agency is proposing to terminate, modify, or revoke and reissue the Part 70 operating permit, or to issue a Part 71 permit, for the JP Pulliam Plant located in Green Bay, Wisconsin (JP Pulliam). Specifically, EPA proposes to require Wisconsin Public Service Corporation to submit, within six months of receipt of this notice, a permit application under Part 71 for JP Pulliam. As discussed below, you are receiving this notice because the Wisconsin Department of Natural Resources (WDNR) has not resolved EPA's objections to the Title V operating permit issued by WDNR to JP Pulliam.

Although states generally have the primary responsibility for issuing Title V permits for sources under their approved programs, EPA retains final authority under the Act and Part 70 to determine whether state-issued permits comply with all requirements of the Act and implementing regulations. Under Section 505(b) and (c) of the Act and 40 C.F.R. §§ 70.7(g)(4) and (5) and 70.8(d), if EPA determines, in response to a petition, that a state-issued permit is not in compliance with all requirements of the Act or regulations, the Administrator must object to its issuance, and the permitting authority shall have 90 days to resolve EPA's objections. If the permitting authority fails to act, EPA will take one of the actions referenced above using the procedures of Part 70 or 71, as appropriate. 40 C.F.R. §§ 71.4(e) and (f).

In response to a Title V petition, the EPA Administrator objected to WDNR's permit for JP Pulliam in an Order dated June 28, 2010 (Enclosure). The 90-day period for WDNR to resolve EPA's objection has expired. Pursuant to 40 C.F.R. § 70.7(g)(5), we are providing you notice of WDNR's failure to respond to EPA's June 28, 2010 objection and EPA's proposal to take action. Wisconsin Public Service Corporation has 30 days from receipt of this letter to comment on EPA's proposed action described above, as well as an opportunity to request a hearing. Any

request for a hearing must be made within 10 days of receipt of this notice. Any hearing would be held during the 30-day comment period. All comments presented at the hearing must also be submitted in writing prior to the end of the 30-day notice and comment period. If you wish to request a hearing, please contact:

Pamela Blakley
Chief, Air Permitting Section
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-4447.

If, after the 30-day notice and comment period, EPA determines that we will continue with the proposed action, EPA will request that Wisconsin Public Service Corporation submit a permit application under Part 71 for JP Pulliam. Following receipt of the application, EPA intends to proceed with the appropriate action.

This letter does not represent final Agency action to issue or deny a permit to JP Pulliam under Title V of the Act, or any other kind of final agency action under section 307(b) of the Act, 42 U.S.C. § 7607(b). Neither does it preclude WDNR from submitting to EPA a Title V permit for JP Pulliam that resolves the June 28, 2010, objections.

If you have any questions regarding this notice, please contact Susan Kraj, of my staff, at (312) 353-2654.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheryl L. Newton", is written over the typed name.

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure